

SHANE BROOKS,)
)
Plaintiff,)
)
vs.)
)
LISA WALSH, *et al.*,)
)
Defendants.)
)

Case No. 2:14-cv-00497-APG-CWH
ORDER

Before the Court is Defendants' Motion for Stay of Proceedings Pending Plaintiff's Interlocutory Appeal Before the Ninth Circuit or, Alternatively, Motion for Third Extension of Time to File Motion for Summary Judgment (doc. # 49), filed January 5, 2016. Also before the Court are Defendants' supplemental brief (doc. # 51), filed January 22, 2016, Defendant's notice of partial withdrawal and intent to proceed with motion for extension of time (doc. # 54), filed February 3, 2016, Plaintiff's response to the motion to stay and supplemental brief (docs. # 55, # 56),¹ filed February 8, 2016, and Defendants' reply (doc. # 58), filed February 12, 2016.

A review of the record reveals that this Court temporarily stayed the case to allow the parties to brief Defendants' motion to stay. See Doc. # 50. Since then, the Ninth Circuit dismissed Plaintiff's appeal, upon which Defendants' based the instant motion, for lack of jurisdiction. See Doc. # 61. Given such, and in light of Defendants' notice of withdrawal of the motion to stay, the Court denies Defendants' motion as moot.

Meanwhile, Defendants ask the Court to enter a new deadline for filing dispositive motions. Plaintiff opposes Defendants' request because: (1) he purportedly would not be able to provide each

¹ The Court notes that the documents are identical.

1 element of his case against all defendants, as all defendants have not yet been added; (2) there is
2 outstanding discovery; and (3) Defendants' previous requests for extension of time were for nefarious
3 purposes, as evidenced by the change in attorneys.

4 In reply, Defendants point out that this Court previously denied Plaintiff's request to amend
5 his complaint (doc. # 38), with the Ninth Circuit dismissing Plaintiff's interlocutory appeal in this
6 regard, and therefore this reason to oppose Defendants' motion is moot. Defendants also point out that
7 the Court already addressed the issue of discovery and determined that there are no outstanding
8 discovery issues (doc. # 37), with the Ninth Circuit dismissing Plaintiff's interlocutory appeal in this
9 regard. Defendants further point out that while they previously requested extensions of time in this
10 matter, the change of attorneys upon which the requests were based reflect no nefarious purposes,
11 contrary to Plaintiff's assertion. Defendants lastly argue that Plaintiff will not be prejudiced by an
12 extension of time because both parties will have the opportunity to file their respective dispositive
13 motions if the deadline is extended.

14 The Court agrees with Defendants and deems it appropriate to extend the deadline for filing
15 dispositive motions in this case. In granting this extension, the Court notes that Defendants failed to
16 abide by this Court's local rule governing discovery extension requests.² See Loc. R. 26-4 ("All
17 motions or stipulations to extend a deadline set forth in a discovery plan shall be received by the Court
18 no later than twenty-one (21) days before the expiration of the subject deadline."). Defendants and
19 defense counsel are cautioned that future failures to abide by this Court's local rule governing
20 extension requests may result in sanctions.

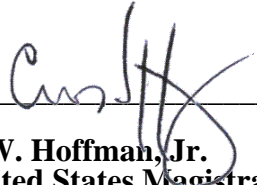
21 Accordingly, **IT IS HEREBY ORDERED** that Defendants' Motion for Stay of Proceedings
22 Pending Plaintiff's Interlocutory Appeal Before the Ninth Circuit or, Alternatively, Motion for Third
23 Extension of Time to File Motion for Summary Judgment (doc. # 49) is **denied as moot in part and**
24 **granted in part**. The request to stay this action is denied as moot. The request to extend the time to
25 file dispositive motions is granted.

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28 ² Defendants filed their motion to stay on January 5, 2016, only ten (10) days before the dispositive motions
deadline of January 15, 2016. See Doc. # 43 (prior order extending dispositive motions deadline).

1 **IT IS FURTHER ORDERED** that the parties shall have thirty (30) days from the date of this
2 order in which to file dispositive motions.

3 DATED: March 10, 2016

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8 **C.W. Hoffman, Jr.**
9 **United States Magistrate Judge**